



TEXAS
Health and Human
Services

August 30, 2018

Dear Residential Child Care Providers:

This is a reminder of the critical role background checks have in reducing the risk of harm to children in care. Certain background checks are required under Federal law at 42 U.S.C. §671(a) (20) and Texas law at Texas Human Resources Code §42.056 and 40 Texas Administrative Code §745.615 and §745.625. These requirements include:

- Each of the following persons must have fingerprint-based criminal history checks and Texas Central Registry checks:
 - Prospective foster or adoptive parents and any other adult living in the home;
 - Any employees or prospective employees of your operation, before the person has direct access to children in care;
 - Any person 14 years of age or older, other than a client in care, who resides in an operation or has direct access to children in care;
 - Any person 14 years of age or older, other than a client in care, who will regularly or frequently be present at an operation, foster home, or prospective adoptive home, who is counted in the child/caregiver ratio, or has unsupervised access to children in care;
- All persons in a prospective foster or adoptive home who are required to have background checks must have cleared results prior to verification or approval;
- Name-based criminal history checks and Texas Central Registry checks are required for any person 14 years of age or older, other than a client in care, who will regularly or frequently be present at an operation, foster home, or prospective adoptive home, but who **will not** have unsupervised access to children in care;
- A prospective foster or adoptive parent and any other adult living in the prospective foster or adoptive home who has lived out of state in the previous five years must have an abuse/neglect check from each state where the person has resided in the previous five years; and
- A person must have a recurring background check every 24 months as long as the person remains affiliated with your operation, as required by 40 Texas Administrative Code §745.625.

We appreciate your efforts to improve compliance with these requirements.

Sincerely,

Jean Shaw
Associate Commissioner, Child Care Licensing